

PAUL BATISTA, P.C.  
Attorney-at-Law  
26 Broadway - Suite 1900  
New York, New York 10004  
(631 377-0111)

MEMO ENDORSED

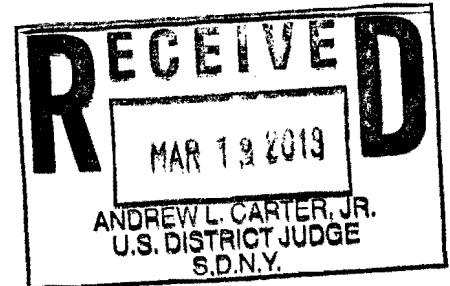
e-mail: Batista007@aol.com

Facsimile: (212) 344-7677

March 13, 2013

VIA E-MAIL

Honorable Andrew L. Carter, Jr.  
United States District Judge  
for the Southern District of New York  
500 Pearl Street, Room 725  
New York, NY 10007



Re: **Bernard Gelb v. Federal Reserve Bank of New York, et al,**  
**Docket 12-cv-4880 (ALC) (AJP)**

Dear Judge Carter:

As Your Honor requested, I write to provide a report as to the status of the discovery permitted by the Court.

On behalf of plaintiff Bernard Gelb, I conducted the deposition of Michael Held, an employee of the Federal Reserve Bank of New York, on March 5, 2013. There were significant issues as to which Mr. Held lacked any knowledge. For example, other persons at the Bank conducted the actual search, if in fact there was an actual search, in response to plaintiff's Freedom of Information Act requests.

Moreover, Mr. Held testified that there were documents directly and obviously relevant to this case which he reviewed in preparing for the deposition but which were not produced at or prior to the deposition.

With respect to those documents, as well as with respect to several other relevant documents that have never been produced, counsel to the Bank has required plaintiff serve a formal Rule 34 demand. We are in the process of preparing that demand and will serve it after our review of the transcript of the Held deposition is completed. So that there is no room for ambiguity, we intend to cite to Mr. Held's precise language in identifying the documents.

In light of the facts that (i) the Bank has insisted on a formal document demand to which it is entitled to take several weeks to respond and (ii) plaintiff needs to conduct at least two other depositions, we suggest that we file another status report within 45 days of the filing of this report.

Respectfully submitted,

A handwritten signature of Paul Batista.

Paul Batista

Joint status report  
due May 1.

PB/wg

cc: All Counsel of Record (Via E-Mail)

A large handwritten signature of Andrew L. Carter, Jr.

3-14-13